



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 10 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-133

CERTIFIED MAIL RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Joe Gajdowsik
Facilities Manager
Bering Straits School District
P.O. Box 225
Unalakleet, Alaska 99684

Re: Bering Straits School District – Unalakleet Fuel Storage
Spill Prevention Control and Countermeasure (SPCC) Inspection
Facility Response Plan (FRP) Inspection

Dear Mr. Gajdowsik:

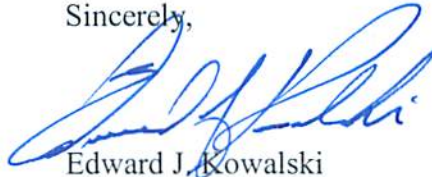
On July 8, 2014, representatives of the U.S. Environmental Protection Agency ("EPA") inspected Bering Straits School District Fuel Storage ("Facility") located in Unalakleet, Alaska. It is our understanding that you are the owner and/or operator of this facility. The purpose of this letter is to notify you that the EPA may impose a civil penalty for your failure to implement the requirements of the Oil Pollution Prevention regulations found at 40 C.F.R. Part 112. Pursuant to the federal Oil Pollution Prevention regulations, the Facility must have a certified Spill Prevention, Control and Countermeasure ("SPCC") plan in accordance with the requirements of 40 C.F.R. § 112.7 and 40 C.F.R. § 112.3(a), must maintain a copy of the plan on site (40 C.F.R. § 112.3(e)), and must fully implement the plan (40 C.F.R. § 112.3(a)). A summary of deficiency findings of the Oil Pollution Prevention regulations found at your facility is enclosed with this notice.

Bering Straits School District is required to respond in writing to the enclosed findings within thirty (30) days of receipt of this letter. In addition, if an updated SPCC/FRP plan has been prepared, please include it along with your correspondence. The request for information in this letter is made under the authority of Sections 308 and 311(m) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1318 and 1321(m). In accordance with the provisions of 40 C.F.R. § 2.203, you may assert a business confidentiality claim covering part or all of the information submitted by clearly identifying it as "confidential." If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice.

As stated above, failure to comply with the SPCC requirements may subject you to a substantial civil penalty for each day of violation pursuant to Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii) and 40 C.F.R. Part 19. Although it may not prevent the EPA from seeking a penalty for past violations, prompt compliance will be taken into account in determining the appropriate enforcement response.

In order to help you with your spill prevention work and for current changes to the rule, please visit EPA's Oil Spill site at <http://www.epa.gov/emergencies/content/spcc/>. The EPA reserves the right to revisit your facility at some time in the future. Any questions regarding this matter should be directed to Kate Spaulding, EPA Region 10 SPCC Enforcement Officer, at (206) 553-5429.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc w/enc: Ms. Betty Schorr
Alaska Department of Environmental Conservation

EPA/FACILITY INSPECTION REVIEW Bering Straits School District – Unalakleet Fuel Storage Unalakleet, Alaska 99684			
SPCC RULE REFERENCE	PLAN	FIELD	INSPECTION DEFICIENCY DESCRIPTION (7/8/2014)
112.3(a) SPCC Plan Preparation and Implementation	X	N/A	For facilities (except farms), including mobile or portable facilities in operation on or prior to November 10, 2011: Plan prepared and/or amended and fully implemented by November 10, 2011. <i>"The facility Operator (Bering Straits School District) could not produce their complete SPCC plan."</i>
112.3(d) Professional Engineer (PE) Certification of Plan	X	N/A	Plan is certified by a registered Professional Engineer (PE) and includes statements that the PE attests: <ul style="list-style-type: none"> • PE is familiar with the requirements of 40 CFR part 112; • PE or agent has visited and examined the facility; • Plan is prepared in accordance with good engineering practice including consideration of applicable industry standards and the requirements of 40 CFR part 112; • Procedures for required inspections and testing have been established; • Plan is adequate for the facility.
112.5(b) Plan Review	X	N/A	Review and evaluation of the Plan completed at least once every 5 years. Five year Plan review and evaluation documented. <i>"No evidence of 5 year review presented at time of inspection."</i>
112.7 General SPCC Requirements	X	N/A	Plan follows sequence of the rule or is an equivalent Plan meeting all applicable rule requirements and includes a cross-reference of provisions. If Plan calls for facilities, procedures, methods, or equipment not yet fully operational, details of their installation and start-up are discussed. <i>"Unknown, the facility Operator (Bering Straits School District) could not produce their complete SPCC plan."</i>
112.7(a)(3) Facility Diagram	X	X	Plan describes physical layout of facility and includes a diagram that identifies: <ul style="list-style-type: none"> • Location and contents of all regulated fixed oil storage containers; • Storage areas where mobile or portable containers are located; • Completely buried tanks otherwise exempt from the SPCC requirements (marked as "exempt"); • Transfer stations; • Connecting pipes, including intra-facility gathering lines that are otherwise exempt from the requirements of this part under §112.1(d)(11).

112.7(a)(3) Facility Diagram cont'd	X	X	<p>(i) For each fixed container, type of oil and storage capacity. For mobile or portable containers, type of oil and storage capacity for each container or an estimate of the potential number of mobile or portable containers, the types of oil, and anticipated storage capacities.</p> <p>(ii) Discharge prevention measures, including procedures for routine handling of products (loading, unloading, and facility transfers, etc.).</p> <p>(iii) Discharge or drainage controls, such as secondary containment around containers, and other structures, equipment, and procedures for the control of a discharge.</p> <p><i>"The facility Operator (Bering Straits School District) could not produce their complete SPCC plan. Their FRP is complete and approved however."</i></p>
112.7(c) Appropriate Secondary Containment	X		<p>Appropriate containment and/or diversionary structures or equipment are provided to prevent a discharge as described in §112.1(b). The entire containment system, including walls and floors, are capable of containing oil and are constructed to prevent escape of a discharge from the containment system before cleanup occurs. The method, design, and capacity for secondary containment address the typical failure mode and the most likely quantity of oil that would be discharged from bulk storage containers, mobile/portable containers, piping and related appurtenances, mobile refuelers or non-transportation-related tank cars, transfer areas and equipment.</p>
112.7(e) Inspections and Tests	X	X	<p>Inspections and tests conducted in accordance with written procedures. Record of inspections or tests signed by supervisor or inspector and kept with Plan for at least 3 years.</p>
112.7(j) Conformance with State Rules, Regulations and Guidelines	X	N/A	<p>Discussion of conformance with applicable more stringent State rules, regulations, and guidelines and other effective discharge prevention and containment procedures listed in 40 CFR part 112.</p>
112.8(b) Facility Drainage	X		<p>Drainage from diked storage areas is:</p> <ul style="list-style-type: none"> • Restrained by valves, except where facility systems are designed to control such discharge, OR • Manually activated pumps or ejectors are used and the condition of the accumulation is inspected prior to draining dike to ensure no oil will be discharged. <p><i>"Manually activated sump pumps, over-containment-wall discharge. No valves. The facility Operator (Bering Straits School District) could not produce their complete SPCC plan."</i></p>
112.8(c) Bulk Storage Containers (1)	X		<p>Containers materials and construction are compatible with material stored and conditions of storage such as pressure and temperature.</p>
(2)	X		<p>Except for mobile refuelers and other non-transportation-related tank trucks, construct all bulk storage tank installations with secondary containment to hold capacity of largest container and sufficient freeboard for precipitation. Diked areas sufficiently impervious to contain discharged oil.</p>
(6)	X	X	<ul style="list-style-type: none"> • Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. Techniques include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other system of non-

			<p>destructive testing.</p> <ul style="list-style-type: none"> • Appropriate qualifications for personnel performing tests and inspections are identified in the Plan and have been assessed in accordance with industry standards. • The frequency and type of testing and inspections are documented, are in accordance with industry standards and take into account the container size, configuration and design. • Comparison records of aboveground container integrity testing are maintained. • Container supports and foundations regularly inspected. • Outside of containers frequently inspected for signs of deterioration, discharges, or accumulation of oil inside diked areas. • Records of all inspections and tests maintained. <p><i>"STI SP001. Under the 2006 business plan the City of Unalakleet is the Primary Operator (PO). The PO will take care of the O&M (annual operations and maintenance, training, testing, etc.). The facility Operator (Bering Straits School District) could not produce their complete SPCC plan."</i></p>
(8)	X		<p>Each container is equipped with at least one of the following for liquid level sensing:</p> <ul style="list-style-type: none"> • High liquid level alarms with an audible or visual signal at a constantly attended operation or surveillance station, or audible air vent in smaller facilities; • High liquid level pump cutoff devices set to stop flow at a predetermined container content level; • Direct audible or code signal communication between container gauger and pumping station; • Fast response system for determining liquid level (such as digital computers, telepulse, or direct vision gauges) and a person present to monitor gauges and overall filling of bulk containers; or • Regularly test liquid level sensing devices to ensure proper operation.
(10)	X		<p>Visible discharges which result in a loss of oil from the container, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts are promptly corrected and oil in diked areas is promptly removed.</p>
(11)	X		<p>Mobile or portable containers positioned to prevent a discharge as described in §112.1(b). Mobile or portable containers (excluding mobile refuelers and other non-transportation-related tank trucks) have secondary containment with sufficient capacity to contain the largest single compartment or container and sufficient freeboard to contain precipitation.</p>
112.8(d) Facility Transfer Operations, Pumping and Facility Process (1)	X		<p>Buried piping installed or replaced on or after August 16, 2002 has protective wrapping or coating. Buried piping installed or replaced on or after August 16, 2002 is also cathodically protected or otherwise satisfies corrosion protection standards for piping in 40 CFR part 280 or 281. Buried piping exposed for any reason is inspected for deterioration; corrosion damage is examined; corrective action is taken.</p>

(2)	X		Piping terminal connection at the transfer point is marked as to origin and capped or blank-flanged when not in service or in standby service for an extended time.
(3)	X		Pipe supports are properly designed to minimize abrasion and corrosion and allow for expansion and contraction.
(4)	X	X	Aboveground valves, piping, and appurtenances such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces are inspected regularly to assess their general condition. Integrity and leak testing conducted on buried piping at time of installation, modification, construction, relocation, or replacement.
(5)	X		Vehicles warned so that no vehicle endangers aboveground piping and other oil transfer operations.